No. 9355

In the

United States Circuit Court of Appeals

For the Ninth Circuit

DONG AH LON,

Appellant,

vs.

MARIE A. PROCTOR, as Commissioner of Immigration and Naturalization at the Immigration Station at the Port of Seattle,

Appellee.

Upon Appeal From the District Court of the United States for the Western District of Washington, Northern Division

HONORABLE JOHN C. BOWEN, *Judge*

BRIEF FOR APPELLEE

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BRIEF FOR APPELLEE

Statement of the Case

The subject of this proceeding is a woman of the Chinese race who claims the name of DONG AH LON. She states that she was born in Ping On village, China,

on a Chinese date corresponding to January 9, 1917. She arrived from China at Seattle, Washington, on August 9, 1938, and applied for admission into the United States as a citizen thereof by virtue of being a foreign-born child of a deceased native citizen of the United States named Dong Toy. Following the usual hearing prescribed by law in such cases, in which the appellant and her alleged three brothers testified concerning the relationship claimed, her application for admission was denied by a regularly constituted Board of Special Inquiry at the United States Immigration Station, Seattle, on the ground that she failed to establish the claim of being a daughter of the man claimed to be her father, and (2) on the additional ground that she is an alien ineligible to citizenship, not a member of any of the exempt classes specified in Section 13(c) of the Immigration Act of 1924 (8 U. S. C. A. 213). From this decision the appellant appealed to the Secretary of Labor, who dismissed the appeal and directed that she be returned to China. Thereafter, the appellant applied to the District Court of the United States for the Western District of Washington, Northern Division, for a Writ of Habeas Corpus, and alleged in a general form that the hearing was arbitrary, capricious, wrongful, and constituted a denial of a fair and unbiased hearing. It is con-

ceded that during the life of the alleged father of appellant he was a citizen of the United States. It is also conceded that if the appellant is a blood daughter of her alleged father she is entitled to admission with the status of a citizen under R. S. 1993 (8 U. S. C. A. 6). The sole question at issue is whether the appellant did satisfactorily establish such claim of relationship.

LAW AND AUTHORITIES

Section 23 of the Immigration Act of 1924 (8 U. S. C. A. 221) places the burden of proof upon applicants of all classes for admission into the United States. Additionally, under the Chinese Exclusion laws Chinese applicants for admission are required to prove right to enter and the government is not required to present any evidence to disprove their assertions. *Lew Bow Sing vs. Proctor*, 9 Cir., 83 Fed. (2) 546, and authorities cited.

Section 17 of the Immigration Act of February 5, 1917 (8 U. S. C. A. 153) provides that Boards of Special Inquiry shall have authority to determine whether applicants for admission shall be allowed to land or shall be deported, and that

> "* * * In every case where an alien is excluded from admission into the United States under any

> law or treaty now existing or hereafter made, the decision of a board of special inquiry adverse to the admission of such alien shall be final, unless reversed on appeal to the Secretary of Labor; * * *."

As said with respect thereto in the last Chinese discrepancy case reviewed by the Supreme Court, *Quon Quon Poy v. Johnson*, 273 U. S. 352, 47 Sup. Ct. 358:

> "It is clear, however, in the light of the previous decisions of this court, that when the petitioner, who had never resided in the United States, presented himself at its border for admission, the mere fact that he claimed to be a citizen did not entitle him under the Constitution to a judicial hearing; and that unless it appeared that the Departmental officers to whom Congress had entrusted the decision of his claim, had denied him an opportunity to establish his citizenship, at a fair hearing, or acted in some unlawful or improper way or abused their discretion, their finding upon the question of citizenship was conclusive and not subject to review, and it was the duty of the court to dismiss the writ of habeas corpus without proceeding further."

In a condensed form the attitude of the Supreme Court is definitely expressed in *Tulsidas v. Collector*, 262 U. S. 258:

> "We think, rather it will leave the administration of the law where the law intends it should be left; to the attention of officers made alert to attempts at evasion of it, and instructed by experience of the fabrications which will be made to accomplish evasion."

As said in *Yep Suey Ning v. Berkshire*, 9 Cir., 73 Fed. (2) 751:

> "'It must be borne in mind that this court must not substitute its judgment for that of the immigration boards on matters of fact."

And in *Lum Sha You v. United States*, 9 Cir., 82 Fed. (2) 83:

> "In considering the evidence, it is not sufficient that we might have reached a different decision."

The Immigration authorities are exclusive judges of weight of testimony and credibility of witnesses appearing before them, and there is no indication of unfairness if a witness is not believed. *Chin Ching v. Nagle*, 9 Cir., 51 Fed. (2) 64; *Mui Sam Hun v. United States*, 9 Cir., 78 Fed. (2) 615; *Jung Yen Loy v. Cahill*, 9 Cir., 81 Fed. (2) 813; *Wong Choy v. Haff*, 9. Cir., 83 Fed. (2) 984.

In *Del Castillo v. Carr*, 9 Cir., 100 Fed. (2) 339, the Court said:

> "If there is any substantial evidence to support it, the order of the Assistant Secretary of Labor cannot be nullified through the writ of habeas corpus." (Authorities cited.)

ADMINISTRATIVE FINDINGS AND CONCLUSIONS

The findings and conclusions of the local Board of Special Inquiry are shown on pages 18-22, 32-33, of

the certified record of the Secretary of Labor, Exhibit No. 55991/818. The findings and conclusions of the Board of Review at Washington, D. C., approved by the Assistant to the Secretary of Labor, are shown on the blue sheets in the same Exhibit, and are quoted below:

"55991/818 Seattle October 20, 1938.

In re: DONG AH LONG, Age 21

This case comes before the Board of Review on appeal from denial of admission as a daughter of a (deceased) native. The relationship is at issue.

Attorney George E. Tolman has filed a brief.

Dong Toy, the alleged father of the applicant, claimed in May, 1919, to have a daughter of approximately the name and birthdate alleged by and for this applicant. The alleged father went to China in 1923 and is said to have died there the following year. Dong Hong, an older alleged brother of the applicant, who was admitted in 1920 and was last in China between April, 1929, and December, 1930, and Dong Ball, a younger alleged brother, who was admitted in August, 1935, and has not since returned to China, have testified on the applicant's behalf.

The first group of features noted as adverse to the applicant's claim are spoken of by the Chairman of the Board of Special Inquiry in his summary as instances of "lack of knowledge of family history." The applicant and her witness alleged brothers agree that the deceased alleged father was married twice, first to a woman named Jee Shee and after her death to a woman named

Hon Shee. According to the testimony of the alleged brothers, the three oldest sons in the family were given birth by Jee Shee. The applicant testifies that so far as she knows Jee Shee never bore any children and that her mother Hom Shee told her that she was Hom Shee's fourth child. She later on recall said that she did not know who was the mother of her three older brothers. In view of the fact that the applicant gives her mother Hom Shee's age as 47 and her oldest brother's age as 39, which would mean that if Hom Shee were the mother of this oldest brother she would have given birth to him when she was eight years old or seven years old in American reckoning, would seem to make this feature chiefly an indication of the applicant's ignorance or stupidity. In any event, she could have knowledge of the facts only through hearsay. The applicant's witness alleged brothers testify in accordance with previously given testimony that the alleged father's mother's name was Hom Shee. The applicant testifies that according to her understanding her paternal grandmother's name was Chin Shee. It would seem that one should know the family name of one's paternal grandmother but here again the fact that the paternal grandmother is said to have died many years ago might make this lack of knowledge which the applicant could have only through hearsay since while the witness alleged brothers say that the paternal grandmother's name appears upon ancestral papers kept in their home, there is no showing that the applicant despite her two year school attendance is able to read. Two other disagreements between the applicant and her witness alleged brother Dong Hong involving matters of family association are noted, one as to the length of time Dong Loon,

an older alleged brother of the applicant, who was excluded and deported in September, 1925, stayed in the home village before going to the Philippines, and the other as to whether the alleged brother Dong Hong was last in China between 1931 and 1934 or as the record shows between April, 1929, and December, 1930. The lack of agreement regarding these matters might be attributed to inaccuracy of memory on the part of the applicant whose mentality is indicated not to be either sharp or clear.

For the other discrepancies which the testimony shows it does not appear possible to make any such excuse for these involve neither matters of hearsay nor memory of events in the past but matters about which there should be agreement as a matter of course if the applicant and her witness alleged brothers had had their home in the same house in the same village as claimed. The applicant and her witness alleged brothers agree that she was born and has lived all the twenty-one years of her life in the Ping On village. She and these alleged brothers describe this village as consisting of fifteen dwellings and one schoolhouse, the houses arranged in five rows of three houses each, the village facing north with the so-called head to the west and the so-called tail to the east and she and these witnesses agree that their home is the first house on the second row from the head or west side of the village. The applicant states that the village schoolhouse is located at the head or west side of the village and that the village toilet structures are behind the schoolhouse at the head or west side of the village and that there never was a schoolhouse at the east or tail side of the village. The witness alleged brothers agree that the schoolhouse is at the other

side, that is at the east or tail side of the village and that the toilets are at the west side not behind the schoolhouse but at the opposite side of the village and these witness alleged brothers testify that there has never been a schoolhouse in the location which the applicant gives for the schoolhouse at the west or head side of the village. While it is true that the schoolhouse in which the applicant claims to have gone to school for a couple of years is located elsewhere than in the home village, yet it would seem unreasonable to believe that she and her alleged brothers could have had their home in the same tiny village when they so definitely disagreed as to whether the schoolhouse is at the same side of the village where the toilet structures are or at the opposite side of the village.

Also, it seems unreasonable to believe that this applicant and her alleged brothers could have had their home in the same small village and disagree as to the make-up and location of all of the alleged neighboring households in the dwellings said to be nearest to that in which the applicant and her alleged brothers claim to have had their home. The lack of agreement between the applicant and her witnesses regarding these nearest village residents is fully detailed by the Chairman of the Board of Special Inquiry and this would seem to make it unreasonable to believe that the applicant and her witnesses have been members of the same household as claimed.

It is not believed that the evidence reasonably establishes that this applicant is a daughter of her alleged father.

It is, therefore, recommended that the appeal be dismissed.

L. Paul Winnings
Chairman

Concur:

T. B. Shoemaker
Deputy Commissioner

So Ordered:

Turner W. Battle
Assistant to the
Secretary."

"55991/818 Seattle March 21, 1939.

In re: DONG AH LON, Age 21.

This case in which appeal from denial of admission as a daughter of a (deceased) native was dismissed on October 26, 1938, because the relationship was not found satisfactorily established and in which reopening for further investigation was authorized on December 15, 1938, comes again before the Board of Review after a second denial of admission.

Attorney George E. Tolman has filed a supplementary brief.

As reference to the memorandum of October 20, 1938, recommending dismissal of the appeal, will show, Dong Hong and Dong Ball, one older and one younger alleged brother of the applicant appeared in the original examination to testify on her behalf. Discrepancies which appeared to be irreconcilable with the claim of family association between the applicant and those alleged brothers and so with the claim of relationship here at issue were disclosed which in the opinion of the Board of Review required recommending dismissal of the appeal. Since the case was reopened, Dong Yum, the oldest alleged brother of the applicant, and Lee Len, her intended husband, have appeared to testify. While Dong Yum has

added to the previous affirmations of alleged brothers of the applicant his identification of her as a daughter of the deceased alleged father, his testimony substantially agreeing with that of the two alleged brothers who appeared in the original examination is as much in conflict with that given by the applicant as was the testimony of those two alleged brothers. The witness Lee Len is shown by a communication from the City Clerk of San Mateo, California, to be a man of good reputation and his testimony regarding his desire to have the applicant become his wife in order to care for his seven motherless children removes any possibility of suspicion of an immoral intent in the attempt to have the applicant enter the United States. However, this witness states that he knows nothing whatever concerning the truth of the claim of relationship here at issue beyond what he has been told by an alleged brother of the applicant. Thus, in the opinion of the Board of Review no evidence presented since the case was reopened warrants a reversal of the previous decision.

It is, therefore, recommended that the order dismissing the appeal stand.

L. Paul Winnings
Chairman

Concur:
T. B. Shoemaker
Deputy Commissioner
So Ordered:
Turner W. Battle."

ARGUMENT

IMMIGRATION RECORDS OF ALLEGED RELATIVES OF APPELLANT. Exhibit 12017/20194 contains the Immigration history of the appellant's alleged father. He claimed birth in this country, and made several trips to China. He last left the United States during April, 1922, and is reported to have died in China during January, 1924.

Exhibit 29879/3-11 relates to Dong Hong, alleged son of Dong Toy, and alleged half-brother of appellant, who was originally admitted to this country in 1920. He has since made two trips to China and returned to this country the last time on December 10, 1930. He made the application to bring the appellant to this country.

Exhibit 35428/13-23 relates to Dong Yum, alleged second son of Dong Toy, and alleged half-brother of appellant, who was originally admitted to this country in 1921. He made one trip to China, departing in 1933 and returning July 31, 1935.

Exhibit 24091/6-21 shows that Dong Loon, alleged third son of Dong Toy, and alleged half-brother of appellant, applied for admission in 1925. He failed to prove the relationship claimed and was returned to China.

Exhibit 36863/6-16 relates to Dong Yuen, alleged fourth son of Dong Toy, and full brother of appellant, who applied for admission in 1936. He failed to prove the relationship claimed and following denial of a Writ of Habeas Corpus was returned to China.

Exhibit 35428/14-5 refers to Dong Ball, alleged fifth son of Dong Toy, and alleged full blood brother of appellant, who was admitted to this country in 1935.

The witnesses are Dong Hong, Dong Ball and Dong Yum. Lee Lin Jung, or Lee Len, testified that he expected to marry the appellant, but otherwise did not know anything about the appellant.

OBJECT OF APPELLANT COMING TO UNITED STATES. The appellant states "When the papers were made out for me to come here I heard from the neighbors that I was to be married to a LEE man here, but I didn't hear anything about it from my mother." (32). Dong Yum made out the identification affidavit or application to bring the appellant to this country, which is made an Exhibit, and testified that he expected the appellant to marry and go to school (31). Lee Len or Lee Lin Jung testified that he had tentatively arranged with Dong Yum to marry the appellant (28).

CREDIBILITY OF WITNESSES. Exhibit 24091/6-21 shows that Dong Hong and Dong Yum concocted a scheme in the attempt to land a contraband Chinese named Dong Loon in this country as their brother who was found to be fraudulent and was returned to China in 1925. Both of them testified in behalf of Dong Loon.

Exhibit 36863/6-16 shows that Dong Hong and Dong Ball conspired together in the attempt to land in this country a contraband Chinese named Dong Yuen, who was found to be fraudulent and was returned to China in 1937 following dismissal of petition for a Writ of Habeas Corpus.

These three witnesses are now attempting to land the appellant in this country as their sister. They are completely discredited on account of their activities in attempting to land in this country two contraband Chinese, unquestionably for a financial consideration. As their testimony has been rejected the appellant is left without any evidence in support of her claim of being a daughter of her alleged father.

The practice of coaching has been repeatedly recognized by the courts. See *Quock Ting v. United States*, 140 U. S. 417.

The decision in the case of *Quan Wing Seung v. Nagle*, 9 Cir., 41 Fed. (2) 59, is directly in point and should be controlling here without consideration of any other point in the case. The decision consists of but 17 lines, the controlling part reads:

> "The record is replete with alleged discrepancies, but, in view of the false testimony given by the alleged father in an effort to secure the admission of an alleged son, we can not say that a fair hearing was denied because the immigration authorities did not believe his testimony in the present instance."

And in *Chin Ming Hee v. Proctor*, 9 Cir., 97 Fed. (2) 901:

> "Without the consideration of a number of other discrepancies in the testimony of the alleged father, we think the inconsistency between the statement of the father in 1918 that he had only one son five years of age, and the statement in 1930 that he then had twin sons, justified the rejection of his entire testimony. The only other testimony to support the claim of the appellant that he was the son of his alleged father is that of the appellant himself. While this testimony was competent (Lee Hin v. U. S., 9 Cir., 74 F. 2d 172) it is not entitled to great weight."

Also in *Wong Ying Wing v. Proctor*, 9 Cir., 77 Fed. (2) 136:

> "Owing to the discrepancies in the testimony of both the alleged parents and the alleged brother, they are all discredited as witnesses." (Authorities cited). "If this testimony is rejected

> there is left no evidence that appellant was born in this country except his own statement to that effect."

DISCREPANCIES. The petitioner claims to have lived in the 1st house, 2nd row from the head in Ping On village, with all members of the family while in China, continuously from the time of her birth in 1917 until she left for this country. She claims to have attended school for two years (2, 7). The petitioner and her witnesses are in agreement that there are fifteen houses, three on each of five rows, in the village. Diagram of the village drawn under the supervision of the petitioner is marked Exhibit A. Therefore, the petitioner should be familiar with the lay-out of the village and be acquainted with the occupants of the houses in such a small village, if she had lived there.

LOCATION OF SCHOOL AND TOILETS. The petitioner says that the village school, named Tung Shen, is located at the head or West end of the village and that the various toilets are also located at the head or West end of the village and just back of the school; that there is no building of any kind outside of the house rows at the tail or East end of the village (5, 16, 17).

The three alleged brothers of petitioner are in agreement that the village school, Tung Shen, is at the tail or East end of the village and that the toilets are all located at the head or West end of the village; in other words, the school is at one end of the village and the toilets are at the opposite end (10, 14, 15, 30).

OCCUPANTS OF 1ST HOUSE 1ST ROW FROM HEAD, OPPOSITE PETITIONER'S LARGE DOOR. The petitioner says that Dong Sing Bor, about 70, no occupation, lived in this house as long as she can remember, with a son named Gim Wah, 17 or 18 years, attending school in the village, and a son named Gim Choon, who is now in the shoe business in Chuk Hom market, and a daughter named Ngoot Yung, 18, who was married during the 2nd month of 1938 and now lives away (6). On reexamination she says that Gim Choon is married and has one son, Chuk Ying, 7 or 8, and a daughter, Lee Ngon, about 11 years old; that Gim Choon never had a brother or sister; that she does not know Gim Wah; that Ngoot Yung, girl, lives in the 2nd house 1st row from the tail; that Dong Sing Bor never lived on the 5th row (17).

Dong Hong places another family in this house. He says that Bok Sing, wife, daughter Mee Ngon, 18 or 19, his father whose wife is deceased, always lived

in this house; that Dong Sing Bor always lived on the 3rd lot 5th row from the head; never had a son named Gim Wah or a daughter named Ngoot Yung (11, 12).

Dong Ball and Dong Yum testified in agreement with Dong Hong that Dong Bok Sing, wife, daughter Mee Ngon, 19, and father have always lived in this house and never in any other house (15, 30, 31).

OCCUPANTS OF IST HOUSE 3RD ROW FROM HEAD, OPPOSITE PETITIONER'S SMALL DOOR. The petitioner says that Bok Gong's mother lives alone in this house; that Bok Gong came to the United States 7 or 8 years ago and is now about 18 years old; that she does not know a man in the village named Dong Hen Woo or a girl named Dong Ngoon Tew (7). On reexamination she says that Bok Gong is a rice farmer in the village and never lived in the United States (17) ; that no girls live in this house (18).

Dong Hong says that Hen Woo, wife, two daughters, Ngoon Tew, 18 or 19, have always lived in this house, the other daughter, Ngoon Yung, about 23, is now married and lives away from the village (12), and is corroborated by Dong Yum and Dong Ball, except that Hen Woo is now in Canada (15, 31).

Dong Hong and Dong Ball say they never heard of Bok Gong, but are acquainted with Bok Ung, who lives in another house in the village (12, 15).

OCCUPANTS OF 2D HOUSE 2D ROW FROM HEAD, JUST BACK OF PETITIONER'S HOUSE. The petitioner says that Bok Sing, single, over 20 years, rice farmer, lives in this house with his mother and no other person (6); that Bok Sing never lived in the 1st house 1st row from the head; that Bok Sing never had a daughter named Dong Mee Ngon and never heard of a daughter named Gui Gim (7, 17).

Dong Hong, Dong Ball and Dong Yum are all in agreement that Tung Hee, rice farmer, wife and a daughter named Gui Gim, 18 to 20, and father, have always lived in this house, and never lived in the 3d house on the row (11, 15, 30).

OCCUPANTS OF 3D HOUSE 2D ROW FROM HEAD. The petitioner says that Tung Hee, a little older than she, never had a wife, rice farmer, lives in this house with his widowed mother; never lived in the 2nd house on the row (6, 17, 18).

Dong Hong, Dong Ball and Dong Yum are in agreement that Fong Moon and his family live in this house; that they have two sons, Bing Foo, over 20, rice farmer in the village, and another son named

Bing Suie, who is now living away from the village (11, 15, 30).

Thus, the petitioner is in total disagreement with her three alleged brothers as to which end of the village the school is located and the occupants of the nearest four houses to the house in which she claimed to have always lived. In fact, she is in total disagreement with her alleged three brothers concerning the membership and residence of every family about which she was questioned. Similar discrepancies, but less severe, were pointed out as material in the following excluded cases:

Woon Sun Seong v. Proctor, 9 Cir., 99 Fed. (2) 285;

Chin Ming Hee v. Proctor, 9 Cir., 97 Fed. (2) 901;

Hom Lay Jing v. Nagle, 9 Cir., 57 Fed. (2) 653.

REPLY TO MISCELLANEOUS POINTS RAISED IN BRIEF FOR APPELLANT. It is conceded that there is some agreement between the appellant and her witnesses, but it has been held that a multitude of agreement does not necessarily prove the relationship claimed.

Wong Shong Been v. Proctor, 9 Cir., 79 Fed. (2) 881, 298 U. S. 665;

Weedin v. Yee Wing Soon, 9 Cir., 48 Fed. (2) 36;

Nagle v. Quon Ming Him, 9 Cir., 42 Fed. (2) 451.

The mere fact that the alleged father on May 17, 1919, claimed a daughter of the name and age claimed by the appellant is no evidence of fact, and there is no acceptable evidence in view of the discrepancies and the testimony of the discredited witnesses that the appellant is the same person claimed by her alleged father in 1919. Asserted citizenship must be proved to be of any value. *Sing Tuck. v. United States*, 194 U. S. 161; *Chin Bak Kan v. United States*, 186 U. S. 193. In the reported cases it is shown that the great majority of Chinese applicants for admission excluded and returned to China claimed names and ages that corresponded to those previously claimed by their alleged fathers. On pages 18 and 19 it is stated that the appellant was claimed by her father for 20 years, but such allegation is inconsistent with the facts. The appellant claims birth on January 9, 1917. The alleged father could not have mentioned a daughter when appearing before the Immigration Service since his departure during April, 1922, and he is reported to have died in China during January, 1924.

The testimony indicates that the appellant was capable of testifying intelligently, but even though she might not be intellectually smart is no excuse. On this point we cite *Kaoru Yamataya v. Fisher*, 189 U. S. 86, 23 Sup. Ct., 615, in re the deportation of a Japanese woman:

> "Suffice it to say, it does not appear that appellant was denied an opportunity to be heard. * * * If the appellant's want of knowledge of the English language put her at some disadvantage in the investigation conducted by that officer, that was her misfortune, and constitutes no reason, under the acts of Congress, or any rule of law, for the intervention of the court by habeas corpus."

The appellant cites *Kwock Jan Fat v. White*, 253 U. S. 454, on pages 17, 20. That case is completely distinguishable on the facts, and the further fact the appellant there claimed to be a native-born citizen of the United States, whereas the appellant here admits birth in China. The said case with two others are cited in *Tod v. Waldman*, 266 U. S. 113, 45 Sup. Ct., 87, and with respect thereto the court said:

> "In those cases the single question was whether the petitioner was a citizen of the United States before he sought admission, a question of frequent judicial inquiry."

The appellant's brief presents the inescapable suggestion that she should be admitted because of sym-

pathy (P. 19). There is no provision in the Immigration or Chinese Exclusion laws for the admission of an inadmissible alien on the ground of sympathy. As said in *Yep Suey Ning et al. v. Berkshire*, 9 Cir., 73 Fed. (2) 752:

> "Nor is there any undue hardship being visited upon these two boys by the orders for their deportation to their native land."

CONCLUSION

The appellant was accorded a fair and impartial hearing by the Immigration authorities; no evidence offered in her behalf was omitted, and she failed to sustain the burden of proof cast upon her by the statutes to establish her claim of relationship to her alleged father. No question of law is raised. The immigration officials did not abuse the discretion committed to them by law. There is substantial evidence to support the excluding decision. Therefore, the decision of the Secretary of Labor is final and conclusive. None of the allegations set forth in the petition for the Writ of Habeas Corpus have been proved,

and it is not shown that the District Court erred in dismissing the Writ.

It is respectfully submitted that the judgment of the District Court should be affirmed.

J. CHARLES DENNIS,
United States Attorney,

GERALD SHUCKLIN,
Assistant United States Attorney,
Attorneys for Appellee.

J. P. SANDERSON,
Immigration and Naturalization Service,
(On the brief.)